IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

APPEAL FROM ORDER NO. 48 OF 1999

Shri Surya Upendra Raikar
(since deceased, represented by his LR's)
(a) Premabai Surya Raikar
(b) Gurudas Surya Raikar
(c) Bhanudas Surya Raikar
(cc) Sarita Bhanudas Raikar
(dd) Deepashree Dilip Raikar
All residing at H.No. 19,
Opposite Aga Khan Temple,
Pajifond, Margao. .... Appellants

Versus

1. Shri Atchut Upendra Raikar,
son of late Upendra Raikar,
aged about 68 years, businessman,
residing at Housing No. 1204,
Pajifond, Margao, Goa.

2. Smt. Latika Chandrakant Raikar
(since deceased, represented by LR's)
2(a) Mrs. Kalpana K. Lotlikar, married to
2(b) Mr. Kantikumar Lotlikar
Both residents of Upendra Nivas,
Raikar Roas, Paji Fond, Margao.
2(c) Mrs. Mrudula Lotlikar, married to
2(d) Mr. Gurudas Lotlikar,
Both residents of Opp. Teachers
Training College,
Near Euroca Forks Office,
N.G.P.A. Plot No. 53, Porvorim, Goa.
2(e) Mrs. Nishita S. Haldankar, married to
2(f) Mr. Santosh Haldankar
Both residents of Flat No. 105, B-wing,
Naigao, Park-3, Naigao-West,

District Thana, Maharashtra.

Mr. Sudin Usgaonkar, Advocate for the Appellants.

Mr. S.K. Kakodkar, Sr. Advocate with Mr. S.R. Vernekar, Advocates for Respondent No.1.
Mr. S.S. Kantak with Ms. R. Chodankar, Advocates for Respondents no. 2(a) to 2(f).

CORAM : **P.V. KAKADE, J.**

DATE : **27th NOVEMBER, 2006**

ORAL JUDGMENT :

Heard learned Counsel for both the parties. Perused the record.

2. This is an appeal preferred by the plaintiff-appellant against the order passed by the Civil Judge, Senior Division, Margao rejecting the application for temporary injunction.

3. In the course of arguments, it is disclosed that the impugned order is passed in the year 1998 in Special Civil Suit No. 117 of 1998 and the appeal was preferred in the year 1999 and today the matter has come up for hearing. It is obvious that the suit would be ready for hearing at this

stage, in the year 2006 and, therefore, in my considered view, the interest of both the parties would be served if the trial is expedited and dispute is adjudicated on merits as early as possible, instead of adjudicating this interim matter and again sent the parties to prosecute the cause immediately after commencement of the trial.

4. Therefore, taking into account this aspect, it is directed that the learned trial Judge shall commence with the trial of the suit so as to complete adjudication on merits after giving opportunity to both the sides, within 4 months from the date of the receipt of the writ of this Court. With this direction, the appeal stands disposed of with no order as to costs. Parties shall maintain status quo as on today.

P.V. KAKADE, J.

NH